

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA

COUNTY OF YOLO

--o0o--

STEPHEN L. MOCK, Judge Department Twelve

PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff,)	No. 15-6705
)	
VS.)	COPY
)	
JAMES HORTON,)	
)	
Defendant.)	

REPORTER'S TRANSCRIPT
OF MOTION PROCEEDINGS

--o0o--

MARCH 23, 2016

--o0o--

APPEARANCES

FOR THE PEOPLE:	JEFF REISIG
	DISTRICT ATTORNEY
	BY: FRITS VAN DER HOEK
	Deputy District Attorney
	301 Second Street
	Woodland, CA 95695

FOR THE DEFENDANT:	JAMES HORTON
	In Pro Per

REPORTED BY:	MICHELLE MULLER, CSR#8666
--------------	---------------------------

MARCH 23, 2016

--o0o--

The above-entitled matter came on regularly this day for motion proceedings before the Honorable STEPHEN L. MOCK, Judge of the Yolo County Superior Court.

The People were represented by FRITS VAN DER HOEK,
Deputy District Attorney of Yolo County.

The Defendant, JAMES HORTON, was present and was representing himself in Pro Per.

MICHELLE MULLER, CSR, Official Shorthand Reporter,
was present and acting.

P R O C E E D I N G S

--o0o--

THE COURT: All right. Mr. Horton, why don't you come up.

15-6705. Okay. The defendant is present. Okay.
Mr. Horton.

THE DEFENDANT: Good morning, your Honor.

THE COURT: I'm new to this file, but I did get a chance to read over your motions. I see that you filed a motion to dismiss, because of denial of the right to speedy trial that was filed on February 16th, and Judge Maguire denied that motion, and then another motion with the same title was filed the next day, February 17th, and then a third motion was filed on February 19th.

But when I look at the three motions, they look like the same motions. So, is there a difference between the motion you filed on February 16th, that was denied by

1 Judge Maguire, and the motion you filed the next day or
2 the day after that, is there a difference between those
3 two motions?

4 THE DEFENDANT: Yes, there is, your Honor.

5 THE COURT: I couldn't -- when I look at them, I
6 couldn't see the difference between them so --

7 THE DEFENDANT: The details in a very complicated
8 set of compiling of cases all at one time. They're
9 different specific details on separate cases of facts.

10 THE COURT: Okay. We're dealing -- at this point
11 we're dealing only with 15-6705.

12 THE DEFENDANT: Correct. And if I could interject,
13 please, your Honor?

14 THE COURT: Yes, sir.

15 THE DEFENDANT: I realize that the previous motions
16 were either dealt with or there was strategic, logistical
17 circumstances that I was under at trial ready (verbatim)
18 conference and jury trial in February.

19 And something that came up at the jury trial date,
20 and I believe that this hearing was reset for just the one
21 last motion that I filed individually.

22 So just to clarify, is that what you presented me
23 to, I was not expecting, I don't even have fresh on my
24 mind everything that I clarify that.

25 THE COURT: That's my impression, we're only
26 dealing with --

27 THE DEFENDANT: One motion.

28 THE COURT: -- the motion you recently filed.

1 THE DEFENDANT: Right.

2 THE COURT: My question is, we know that Judge
3 Maguire ruled on --

4 THE DEFENDANT: Right.

5 THE COURT: -- the motion with the same name on
6 February 16th and --

7 THE DEFENDANT: Exactly. That's my point.

8 THE COURT: And now I've got a motion on February
9 17th, which again references some cases I don't have.

10 THE DEFENDANT: Exactly. Which brings up an issue
11 for me right now at this time.

12 THE COURT: Okay. What is that?

13 THE DEFENDANT: Thank you, your Honor. That -- the
14 complications of the case, if there wasn't time to review,
15 I keep -- this is procedure things that keep happening.

16 There is another case, and Judge Maguire was not
17 here just earlier this month, and it went before
18 Richardson, and there were so many details, and the, you
19 know, burden of -- on a Judge to have to go through, and I
20 feel like it's denying me a fair trial.

21 I -- it is not my choice that I come here, and the
22 Judge is not here, but he knows the background. So, I
23 would like to present that as an issue that I think it is
24 unfair that the Judge that has all the background is not
25 here, keeps on happening to me, and it is also an issue of
26 why I have to keep filing motions about unfair denials of
27 due process.

28 But, second point, about this, is that, that is

1 correct.

2 The other motions with the same title were on
3 previous facts, and this is about, on the basis of facts
4 of what had occurred on February 15th, before it was going
5 to go the next date to trial on the 16th, but then the
6 situation that came up, caused a continuance by the
7 prosecution.

8 So it's -- it is on a set of facts at that time,
9 subsequent to my previous motion. So it's -- and this is
10 really complicated, and do you understand, if there was a
11 time to review it and know the background when Maguire is
12 already familiar with all the --

13 THE COURT: I looked at the file. I looked at all
14 the minute orders.

15 THE DEFENDANT: Thank you.

16 THE COURT: And I looked at the most recent
17 motion.

18 THE DEFENDANT: Thank you. Thank you for letting
19 me get it on the record.

20 THE COURT: As I understand it, the case was set
21 for trial on February the 16th.

22 THE DEFENDANT: Correct.

23 THE COURT: On February 10th, the trial readiness
24 conference, there was some discussion about discovery, and
25 the Judge denied a motion to compel discovery.

26 Then, on February 16th, the date set for trial, the
27 People said they had some discovery.

28 THE DEFENDANT: Exactly. That's --

1 THE COURT: And the Judge ordered them to turn it
2 over to you immediately and, apparently, they did that.

3 THE DEFENDANT: Uh-huh.

4 THE COURT: And then the case got continued until
5 April.

6 THE DEFENDANT: Exactly, your Honor. And it is
7 very complicated, and Maguire is familiar with, but, thank
8 you for letting me get that on the record.

9 And on that note, these things, I realize there are
10 things like this that are making things go, actions of the
11 Court and prosecution that are making things going on and
12 on and on. I have to keep reasserting things are not
13 fair, and that makes it, things come up, and now again
14 that Judge knows all the background is not here. It is
15 not fresh, and it would be fresh on his mind.

16 And, then, so this is actually with all due
17 respect, presenting itself, because we're going over this
18 now, which Judge Maguire would know, and what had actually
19 happened, this motion is on facts that had occurred
20 subsequent to previous motions, as you had mentioned, even
21 if they do have the same title, because things like this
22 keep occurring.

23 THE COURT: So what is it that occurred --

24 THE DEFENDANT: Thank you.

25 THE COURT: -- after the last motion was filed?

26 THE DEFENDANT: Right. So, what had gone on before
27 those motions were on that, and if I can go through what
28 this motion is for.

1 THE COURT: Go ahead.

2 THE DEFENDANT: As it states in it, there was the
3 discovery that was presented to me at the jury trial date.
4 I had filed an informal request for discovery. Things are
5 just supposed to be, for things that are just supposed to
6 be given over to me by my right of disclosure of discovery
7 at the beginning.

8 With that case, so many complications that -- so
9 there is a lot to go through. There is a lot of
10 background.

11 So all right. It is really unfair. All right.
12 All right. Well, specifically what this motion is about,
13 what had occurred on February 15th, that I had just
14 requested discovery that was supposed to be handed over
15 with a case that initiated months after I had been
16 arrested in August, when the incident that really did not
17 occur was stated to me in February of 2015.

18 So there are motions on that before.

19 Then, really this case is about, there are other
20 cases, and I have reason to believe as strongly as there
21 is strong of that, that this is hold that up and the only
22 thing is discovery has on it, is the facts that I told the
23 guy that he was calling to make a false report, that would
24 be through the receiver by a distance in front of the
25 Quick Stop. Okay.

26 And that I would go and make a false report, and I
27 walked a little bit down the street, the police were
28 already there.

1 Because, there was a case before, I had reason to
2 believe that this was abuse through police activity to try
3 to harass me with prosecutorial harassment with a very,
4 very, very egregious false report.

5 They have gone through, it was alluded to in
6 language that there was abuse of a child, but this person
7 had a kid dressed in a cowboy suit that had walked in the
8 bathroom just after I had entered, and had gone, I didn't
9 even say anything to the child, then I stepped out of the
10 bathroom and the child open -- the guy tries to fight with
11 me, say I told him to call the police, as I was saying
12 that would be heard through the receiver.

13 I will be making a report to the -- not a false
14 report.

15 Then, I walked down the street and then they just
16 went, didn't hear any of my exculpatory evidence for duty
17 to investigate.

18 I know these are things to bring up at trial, but
19 when there has been a rejection of the case on lack of
20 evidence, then it comes up in trial readiness conference
21 that they brought it again on a claim that they had to
22 look in to, that long for originals to, okay, shameful to
23 mention, mentioning, because it was mentioned that there
24 was a child involved, whether there was any shameful to
25 mention activity of any sort, nothing could be found,
26 there is nothing of that nature, but they still bring it
27 up on very minimal facts of very flimsy charge, I'm still
28 going through this.

1 Then there were these motions about what had
2 happened before that, it was denial of speedy trial, then
3 when my due right of law for procedure and discovery
4 disclosure, I'm really supposed to get these items, this
5 is procrastination by public official, that all of a
6 sudden when I brought up, after having compelled -- filed
7 to compel discovery, it was prejudicial, on the 10th, I
8 think.

9 If --

10 THE COURT: It was the 10th.

11 THE DEFENDANT: Then, because I brought up in
12 procedure before trial about evidence procedure during
13 trial, all of a sudden prosecution said they had AV
14 material.

15 I had, Judge, appeal it. They said they didn't
16 have anything. This is procrastination by public
17 official. Everything I'm going through, all compiling of
18 things is overwhelming to me, timing of -- in all of that
19 I've gone through, and all the procrastination and delay,
20 that is bad faith, that has gone on for a case at the very
21 beginning out of West Sacramento, that is false.

22 Then, it just seems like powers that be are just
23 dumping on me, if you understand my meaning, to put it in
24 cold words, but is abuse of the process, and this flies in
25 the face of disclosure, speedy trial, both of those, by my
26 right to fair trial and due process and by statute for
27 speedy trial in California.

28 Which, well, you know, is your 1382. That -- well,

1 previously prosecution was not brought grossly in
2 violation of 1382. Way after, and that's -- it starts at
3 the arrest, according to the statute. Then, that was
4 produced now.

5 So those are previous things for background on my
6 case.

7 So, then, there is continued disclosure was denied
8 to me. They said they did not have anything claiming, oh,
9 whoops, we don't have anything, but then on the date he
10 coughed it up and he called for continuance for another
11 two months, which is procrastination way beyond in bad
12 faith, 30 days to be brought to trial without a showing of
13 good cause.

14 So it doesn't really show a good cause of a delay.
15 It actually shows violation of my rights to procedure, and
16 it is betraying extreme abuse of the legal process when I
17 could assert a motive for, to view that, to go with the
18 process, everything betrays it with everything being
19 dumped up on the same time, all procedure things gone on.

20 I'm in a forced situation where I am -- have
21 nothing else, but to say than I have an extreme conflict
22 of interest with Public Defenders substantial conflict of
23 interest. So extreme it is amazing that they did this to
24 me, that when they were handling other little cases that
25 had come up, that I could assert I have evidence to say,
26 that it is, you know, law enforcement, public officials,
27 maliciously retaliating on me with prosecutorial
28 harassment. Then I -- even, all the evidence in this

1 suggests that it was a total set up, somebody come there
2 and make a false report with me being down on the street,
3 to jump on me, not listening to anything I had to say, to
4 be brought up at trial.

5 In this whole thing to just go with, in the
6 interest of the Court and the time and resources of the
7 Court, and your docket and everything like this, it cries
8 prejudice to go on prosecution when this is so extreme
9 procrastination, gross denial of process and procedure,
10 that just go, and in lieu of 1382, how does prosecution
11 say, because I say, you're not going to be able to bring
12 anything up, if you didn't disclose it. Oh, there is AV
13 material when I was prejudicially denied compulsion on
14 that, they did not have anything. It is really gross.

15 THE COURT: All right. I think I understand your
16 position.

17 Mr. Van Der Hoek, comments before I rule?

18 MR. VAN DER HOEK: Your Honor, this motion was
19 already denied. I would ask the Court, I mean, it is at
20 the Court's discretion, but I just want to identify the
21 Court -- for the Court that the case of Indiana versus
22 Edward 2008, 554 U.S. 164, discusses when defendants are
23 competent to stand trial, but not competent to represent
24 themselves, and it is completely within the Court's
25 discretion.

26 I just want to draw that to the Court's attention
27 that that law is -- that that's good law and maybe
28 applicable to this case.

1 THE COURT: All right. Mr. Horton, you have failed
2 to present evidence that would warrant dismissal of the
3 charges based on your assertion that the prosecution or
4 law enforcement has retaliated against you or that this is
5 malicious prosecution.

6 The question of whether the late discovery of AV
7 material warrants some sanction at trial is an issue that
8 will be decided by the trial Judge, who I assume is going
9 to be Judge Maguire.

10 So, I'm denying the motion to dismiss at this time.

11 I do note that the trial readiness conference is
12 scheduled two weeks from today, so that is April the 6th
13 before Judge Maguire, that would be at 8:30 in the morning
14 on April 6th.

15 THE DEFENDANT: Extremely feel, and I object to
16 that about -- I know it is.

17 (Proceedings concluded.)
18
19
20
21
22
23
24
25
26
27
28

1 CERTIFICATE OF OFFICIAL COURT REPORTER

2 --o0o--

3 I, MICHELLE MULLER, hereby certify that I am a
4 Certified Shorthand Reporter, and that I reported verbatim
5 in shorthand writing proceedings the following proceedings
6 completely and correctly to the best of my ability:

7
8 COURT: SUPERIOR COURT
9 COUNTY OF YOLO

10 JUDGE: STEPHEN L. MOCK
 Department Twelve

11 ACTION NUMBER: 15-6705

12 ACTION TITLE: THE PEOPLE OF THE STATE OF
13 CALIFORNIA, Plaintiff

14 vs.

15 JAMES HORTON,
 Defendant

16 Date: March 23, 2016

17
18 I further certify that I have caused said
19 shorthand writing to be transcribed into typewriting, and
20 that the Preceding Pages 1 through 11 inclusive,
 constitute an accurate and complete transcript of all my
 shorthand writing for the dates specified.

21 Further, in said capacity, I have adhered to the
22 Code of Civil Procedure Section 237(a)(2), Third District
23 Court of Appeal Miscellaneous Order 96-02 by sealing,
 through redaction, of all references to juror-identifying
 information, including but not limited to names, addresses
 and telephone numbers.

24 DATED: April 4, 2016

25 COPY

26 _____
27 MICHELLE MULLER, C.S.R. #8666
28 Official Shorthand Reporter